

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: EG/69/14/HH

LOCATION: Cedar End
Eastergate Lane
Eastergate

PROPOSAL: Erect a car port

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The car port will be positioned to the front of the dwelling. It will measure 8.4 metres in width by 5.3 metres in depth and 3.995 metres to roof ridge height.

SITE AREA

Approximately 3530 square metres.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Approximately 3 metre high hedging to front which continues to the sides in combination with 1.8 metre high timber fencing. There is an outbuilding with a barn hipped roof set back behind the dwelling, towards the western site boundary. There is a lawn and block paved/gravel driveway to the front of the dwelling.

SITE CHARACTERISTICS

The site is occupied by a detached bungalow dwelling which has brown brick elevations, with a section of tile hanging, and a tiled, gable ended roof. There is an outbuilding with a barn hipped roof set back behind the dwelling, towards the western site boundary. There is a lawn and block paved/gravel driveway to the front of the dwelling.

CHARACTER OF LOCALITY

The site is located on a section of Class C road which is outside of the built-up area boundary. Sporadic residential dwellings as well as horticultural buildings are positioned to the side of the road, set well back, with hedging and other landscaping helping to preserve a rural character and appearance.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

None.

CONSULTATIONS

Southern Water Planning

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Outside Built-Up Area

Class C Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN3](#)
[GEN7](#)

Protection of the Countryside
The Form of New Development

[Publication Version of the Local Plan \(October 2014\):](#)

[Barnham & Eastergate Neighbourhood Plan 2014](#) Quality of design

[POLICY ES5](#)

[Barnham & Eastergate Neighbourhood Plan 2014](#) Contribution to local character

[POLICY ES6](#)

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise,

Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

The Barnham & Eastergate Neighbourhood Plan has been made and policies ES5 and ES6 are relevant.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background..

CONCLUSIONS

The proposed car port will be positioned to the front of the dwelling but will not be visually prominent within the street scene due to the modest height of the structure, the fact it will be set back from the road and the screening afforded by existing boundary hedging. It is therefore considered that it will not appear as a disruptive element within the prevailing rurality of the surrounding environment. It will also not represent an isolated form of development within the countryside due to its proximity to, and visual tie in with established residential buildings that occupy the site.

It is considered that the proposed structure will relate sympathetically towards the main dwelling in terms of design and scale. The pitched roof design will complement the pitched roof form of the existing dwelling and detached barn on site, assuring a good degree of visual integration. Although a fairly large building, the footprint and height of the structure will be significantly less than that of the dwelling. It will therefore not appear overly dominant within the site and will appear as ancillary, and visually subservient towards, the main dwelling.

The proposed structure is of modest dimensions and will be positioned away from site boundaries. It is therefore considered that it will not appear overbearing towards neighbouring property nor will it cause undue levels of overshadowing. Any views from the building towards neighbouring property will be interrupted by existing site boundary treatment.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article (insert number and description) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal it has been determined that its approval would result in a neutral impact upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

As such, there is no requirement for mitigation measures to be adopted.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:-

1125/SK-10 (Substitution Plan received 08/10/2014);
Yule E- 01/01;

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.